

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PEPI SCHAFLE, MSS JD,

No. C 11-3175 SI

Plaintiff/Petitioner,

ORDER OF REFERRAL

v.

RANDALL NEWSOME *et al.*,

Defendants/Respondents.

This action was originally opened as a miscellaneous case, C 10-80137 MISC VRW. After Judge Walker retired, the miscellaneous case was reassigned to Chief Judge Ware. Judge Ware referred the case to Judge Hamilton for determination of whether this case was barred by a pre-filing order previously issued by Judge Hamilton; Judge Hamilton determined that it was not. Accordingly, in an order filed June 24, 2011, Judge Ware directed the Clerk to close the miscellaneous action, and to open a new civil action. This new civil action, C 11-3175 SI, was assigned to this Court.

Ms. Schafler has filed this action as a petition for habeas corpus against defendants/respondents Chief Judge Randall Newsome of the United States Bankruptcy Court for the Northern District of California, Richard J. Spear and Dennis D. Davis. The petition arises out of Ms. Schafler's bankruptcy proceedings presided over by Judge Newsome, and in which Mr. Spear was the bankruptcy trustee and Mr. Davis was Mr. Spear's attorney.


On October 24, 2011, defendants/respondents Spear and Davis filed an "Opposition to Amended Petition for Writ of Habeas Corpus." Defendants/respondents contend that the petition should be dismissed for numerous reasons, including that Ms. Schafler is subject to another vexatious litigant pre-filing order issued by Judge Breyer on October 28, 2004 in *Schafler v. Newsome et al.*, C 04-2535 CRB.

1 See Defs' Opp'n, Ex. G & H.

2 The present case appears to be subject to the terms of Judge Breyer's October 28, 2004 vexatious
3 litigant order. That order enjoins Ms. Schafler from suing Judge Newsome, Richard Spear, the law firm
4 of Goldberg, Stinnett, Meyers & Davis, and other individuals associated with Ms. Schafler's bankruptcy
5 proceedings unless and until such an action is first approved by Judge Breyer. Accordingly, the Court
6 *sua sponte* refers this case to Judge Breyer for a determination of whether this action is permitted under
7 the terms of the vexatious litigant order.

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9 **IT IS SO ORDERED.**

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11 Dated: October 25, 2011



SUSAN ILLSTON
United States District Judge